

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In the Matter of:

Brandon Heitmann

Debtor

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Case No. 24-41956

Chapter 13

Hon. Mark Randon

ALEX BOYD and REBECCA BOYD

Plaintiffs,

Adv. No.

Hon. Mark Randon

State Court Case No. 23-003864-CZ

vs.

BRANDON HEITMANN, AMANDA PISARSKI, KODY  
GRANDCHAMP, HENRY GIRARD BELL,  
CONSTRUCTION CONTRACTORS, LLC, and  
EXPLORE INDUSTRIES USA, INC.,

Defendants,

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**NOTICE OF REMOVAL**

Debtor hereby files this notice of removal to remove *BOYD v BRANDON HEITMANN, et al*, 23-003864-CZ in the Macomb County Circuit Court, pursuant to, *inter alia*, 28 USC 1452(a), 28 USC 1334, and 28 USC 157.

1. This matter is a core proceeding.
2. The pleadings are voluminous and may be found at the Macomb County Circuit Court website. Attached are the complaint, as amended, and the answer, as amended.
3. Facts supporting the removal include that the nonbankruptcy matter is related to the jurisdiction of the Bankruptcy Court as it involves a claim against the Debtor, and that any relief granted by the non-bankruptcy court will affect the estate of the Debtor. For instance, adjudication of the nonbankruptcy matter will affect the liability of the Debtor and its assets.
4. Per FRBP 9027(c), removal is effected upon filing of a copy of this Notice in the Macomb Circuit Court, and thereafter "the parties shall proceed no further in that court."

Respectfully submitted  
By: /s/ Robert N. Bassel  
Robert N. Bassel (P 48420)  
Attorneys for Debtor  
P.O. Box T  
Clinton, MI 49236  
248.677.1234  
bbassel@gmail.com

DATED: 5/2/2024

**PROOF OF SERVICE**

On 5/2/2024, I served a copy of the above document upon counsel for the parties in the state court matter, and the Clerk of the Macomb County Circuit Court.

Respectfully submitted

By: /s/ Robert N. Bassel

Robert N. Bassel (P 48420)

Attorneys for Debtor

P.O. Box T

Clinton, MI 49236

248.677-1234

bbassel@gmail.com

DATED: 5/2/2024

**STATE OF MICHIGAN**

**IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB**

**ALEX BOYD and REBECCA BOYD,**  
**Husband and Wife**

Case No. 23-003864-CZ  
Hon. KATHRYN A. VIVIANO

**Plaintiff,**

**v**

**BRANDON HEITMANN, an Individual,**  
**AMANDA PISARSKI, also known as**  
**AMANDA HEITMANN, an Individual,**  
**KODY GRANDCHAMP, an Individual,**  
**HENRY GIRARD BELL, also known as**  
**HANK BELL, an Individual,**  
**CONSTRUCTION CONTRACTORS, LLC,**  
**a Michigan Limited Liability Company, and**  
**EXPLORE INDUSTRIES USA, INC.,**  
**A Tennessee Corporation, doing business as**  
**IMAGINE POOLS**

**Defendant**

**LAW OFFICES OF JOHN F. HARRINGTON**  
**BY: John F. Harrington (P40443)**  
**Attorney for Plaintiff**  
**30500 Van Dyke Avenue, Suite 200**  
**Warren, MI 48093**  
**(586) 751-3610**  
**attvsharrington@comcast.net**

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**COMPLAINT**

There is no other pending or resolved civil action  
arising out of the transaction or occurrence alleged  
in the Complaint.

/s/ John F. Harrington  
John F. Harrington (P40443)

NOW COMES the Plaintiffs, ALEX BOYD and REBECCA BOYD, Husband and Wife, by and through their attorneys, the LAW OFFICES OF JOHN F. HARRINGTON, by way of Complaint, hereby states as follows:

1. That, Plaintiffs, Alex Boyd and Rebecca Boyd, are Husband and Wife, residing in the Township of Macomb, County of Macomb, State of Michigan.

2. That, Defendant, Brandon Heitmann, is an Individual, conducting business in the Township of Shelby, County of Macomb, State of Michigan.

3. That, Defendant, Amanda Pisarski, also known as Amanda Heitmann, is an Individual, conducting business in the Township of Shelby, County of Macomb, State of Michigan.

4. That, Defendant, Kody Grandchamp, is an Individual, residing in the City of Livonia, County of Wayne, State of Michigan.

5. That, Defendant, Henry Girard Bell, also known as Hank Bell, is an Individual, conducting business in the Township of Washington, County of Macomb, State of Michigan.

6. That, Defendant, Construction Contractors, LLC., is a Michigan Limited Liability Company, in good standing, with its principle place of business in the Township of Washington, County of Macomb, State of Michigan.

7. That, Defendant, Explore Industries USA, Inc., is a Tennessee Corporation, in good standing, conducting business in the County of Macomb, State of Michigan, although

not authorized to do so.

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8. That, this cause of action concerns events that occurred in the Township of Macomb, County of Macomb, State of Michigan, thus venue is proper before this Honorable Court.

9. That, the amount in controversy is in excess of \$25,000.00, thus jurisdiction is proper before this Honorable Court.

**FACTUAL AVERMENTS**

10. That, Alex Boyd and Rebecca Boyd, are Husband and Wife, (hereinafter "Boyd"), who own real property at 50639 Cheltenham Drive, in the Township of Macomb, County of Macomb, State of Michigan.

11. That, on or about May 14, 2021, the Boyds entered in a contract with Exigent Landscaping, LLC, for the design and construction of an in-ground swimming pool at their home.

12. That, the Boyds either met or communicated with, Defendants Heitmann, Pisarski, and Grandchamp. in their capacity as representatives of Exigent Landscaping, LLC, during the solicitation of the Boyds and ultimate execution of the contract, at which time said Defendants repeatedly stated that Exigent Landscaping, LLC was a licensed residential contractor.

13. That, in addition, said Defendants represented to the Boyds and Carter that Exigent Landscaping, LLC, was an authorized dealer of Imagine Pools.

14. That, in fact, Exigent Landscaping was an authorized dealer of Imagine Pools, as so authorized by the manufacturer, Defendant Explore Industries USA, Inc.

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15. That, Plaintiffs relied upon the fact that Exigent Landscaping, LLC, was an authorized dealer of Imagine Pools by Defendant Explore Industries USA, Inc., to ultimately enter in to a contract with Exigent Landscaping, LLC.

16. That, the May 14, 2021, contract even states, at the bottom of each page, "License #802082183", inferring that Exigent Landscaping, LLC, was a licensed residential contractor. (See Exhibit A)

17. That, in fact, Exigent Landscaping, LLC, was never a licensed residential contractor at any time during its relationship with the Boyds.

18. That, the Boyds paid the substantial portion of their respective contract price to Exigent Landscaping, LLC.

19. That, after execution of the contracts with the Boyds, Defendants Heirmann, Pisarski, and Grandchamp, knowingly and falsely represented to Macomb Township Building Officials that the Plaintiffs executed contracts with Defendant Construction Contractors, LLC, and Henry Girard Bell, (hereinafter "Bell").

20. That, based on said false representations, Macomb Township Building Officials approved permits for the construction of in-ground swimming pools at the Boyds' residence.

21. That, for the Boyds, Exigent Landscaping, LLC, and the Defendants failed to timely or properly construct a swimming pool, necessitating removal of their respective pools.

22. That, the Boyds have suffered damages well in excess of \$25,000.00.

23. That, the Boyds have previously commenced arbitration proceedings against Exigent Landscaping, LLC, yet said proceedings have been stayed as Exigent Landscaping,

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LLC, has filed for Chapter 11 Bankruptcy in the United States Bankruptcy Court for the Eastern District of Michigan.

**COUNT I**

**FRAUDULENT MISPRERESENTATION OF THE BOYDS BY**  
**DEFENDANTS HEITMANN, PISARSKI, and GRANDCHAMP**

24. Plaintiffs hereby restate and reiterate allegations contained in paragraph 1 through 23 as if fully restated herein.

25. That, Defendants Heitmann, Pisarski, and Grandchamp, before, during, and after execution of the Exigent Landscaping, LLC, contract on May 14, 2021, repeatedly advised the Boyds that Exigent Landscaping, LLC, was a licensed residential builder, and otherwise fully qualified and capable of building a swimming pool as agreed upon.

26. That, in fact, Exigent landscaping, LLC, was not a licensed residential builder nor was it qualified or capable of building a swimming pool.

27. That, said representations by Defendants Heitmann, Pisarski, and Grandchamp, were false and said Defendants knew they were false, or made them recklessly without regard of the truth.

28. That, said Defendants made these representations with the intent that the Boyds would act upon it, and the Boyds did, in fact, rely upon these false representations, by tendering to Exigent Landscaping, LLC, the vast majority of the \$130,00.00 contract price.

29. That, the swimming pool installed by Exigent Landscaping, LLC, was not completed in a timely manner, but also constructed so defectively, that it mandates removal.

30. That, the Boyds never would have entered into a contract with Exigent Landscaping had they known that the company was not a licensed residential contractor, if

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it were not for the intentional misrepresentations of Defendants Heitmann, Pisarski, and Grandchamp.

31. That, as such, the Boyds have suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Brandon Heitmann, Amanda Pisarski, aka Amanda Heitmann, and Kody Grandchamp, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

## **COUNT II**

### **FRAUDULENT MISPRESNTAITON OF BOYDS BY HENRY GIRARD**

#### **BELL and CONSTRUCTIUON CONTRACORS, LLC**

32. Plaintiffs hereby restate and reiterate allegations contained in paragraphs 1 through 31 as if fully restated herein.

33. That, on or about October 12, 2021, and on numerous occasions thereafter, Defendants Bell and Construction Contractors, LLC, applied for and obtained building permits from Macomb Township Building Officials for the construction of an in-ground swimming pool at the Boyds' residence.

34. That, said Defendant falsely represented to Macomb Township that they were the contractors for the project, utilizing their respective residential builders' license number and expiration date.

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35. That, despite what said Defendants stated on the permit application, neither Defendant Bell nor Defendant Construction Contractors were involved in the project and neither had entered into a contract with the Boyds.

36. That, Defendants Bell and Construction Contractors intended for the Macomb Township Building Officials, and, in turn, the Boyds, to rely upon such misrepresentations, which the Township and the Boyds relied upon to their detriment.

37. That, as a result, the Boyds have suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Henry Girard Bell, aka Hank Bell, and Construction Contractors, LLC, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

### **COUNT III**

#### **SILENT FRAUD BY ALL DEFENDANTS**

38. Plaintiffs hereby restate and reiterate allegations contained in paragraphs 1 through 37 as if fully restated herein.

39. That, all the Defendants had a duty to disclose to the Boyds that Exigent Landscaping, LLC, was not a licensed residential contractor, and that, instead, that they were using the licensure status of third parties, to fraudulently obtain Township approval for construction of a pool and the Boyds' residence.

40. That, the Defendants failure to disclose was misleading to the Boyds.

41. That, the Defendants knew that not disclosing would be misleading.

42. That, the Boyds relied on the Defendants failure to disclose.

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43. That, as a result, the Boyds suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Brandon Heitmann, Amanda Pisarski, aka Amanda Heitmann, Kody Grandchamp, Henry Girard Bell, aka Hank Bell, and Construction Contractors, LLC, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

#### COUNT IV

#### CIVIL CONSPIRACY BY ALL DEFENDANTS

44. Plaintiffs hereby restate and reiterate allegations contained in paragraphs 1 through 43 as if fully restated herein.

45. That, all the Defendants engaged in a concerted effort to defraud and otherwise make misrepresentation to the Boyds by falsely stating the Exigent landscaping, LLC was at all times a licensed residential builder, qualified and capable of competently completing construction of a swimming pool.

46. That, in addition, all the Defendant engaged in a concerted effort to misrepresent to Macomb Township Building Officials, and, in turn, the Boyds, that a licensed residential builder was constructing a swimming pool at the Boyds' residence.

47. That such concerted actions involved more two or more persons, and was done so to accomplish an unlawful purpose, or alternatively, a lawful purpose by unlawful means.

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48. That, the Defendants purpose was to obtain monies from the Boyds in exchange for untimely constructing a defective swimming pool and to not fulfill the Boyds expectations or Exigent Landscaping's contractual obligations.

49. That, as a result, the Boyds suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Brandon Heitmann, Amanda Pisarski, aka Amanda Heitmann, Kody Grandchamp, Henry Girard Bell, aka Hank Bell, and Construction Contractors, LLC, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

#### **COUNT V**

#### **NEGLIGENCE OF EXPLORE INDUSTRIES USA, INC.**

50. That, Plaintiffs hereby restate and reiterate their allegations contained in paragraphs 1 through 49 as if fully restated herein.

51. That, Defendant Explore Industries USA, Inc., doing business as Imagine Pools, designated Exigent Landscaping, LLC, as an authorized dealer of Imagine Pools, for sale and installation in the State of Michigan, even though Exigent Landscaping was not a licensed residential builder.

52. That, in order to install an in-ground swimming pool at a residential home in the State of Michigan, the installer must be a licensed residential contractor.

53. That, Defendant Explore Industries USA, Inc, had a duty to the consuming public, when designating an authorized dealer of Imagine Pools in the State of Michigan to select only a licensed residential builder.

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54. That, the Plaintiffs relied upon Defendant Explore Industries USA, Inc., designation of Exigent Landscaping as an authorized dealer of Imagine Pools when entering into an agreement with Exigent Landscaping, LLC.

55. That, as such, Defendant Explore Industries USA, Inc., breached its duty owed to the Plaintiffs.

56. That, because of Defendant Explore Industries USA, Inc., breach of its duty, the Boyds each suffered damages in an amount in excess of \$25,000.00.

57. That, if not for the Defendant's breach plaintiffs would not have suffered any damages.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendant Explore Industries USA, Inc., doing business as Imagine Pools, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

#### **COUNT VI**

#### **NEGLIGENT MISREPRESENTATION BY EXPLORE INDUSTRIES USA, INC.**

58. That, Plaintiffs hereby restate and reiterate their allegations contained in paragraphs 1 through 57 as if fully restated herein.

59. That, Defendant Explore Industries USA, Inc., doing business as Imagine Pools, made a material representation that Exigent Landscaping, LLC, was an authorized dealer and installer of Imagine Pools in the State of Michigan.

60. That, Exigent Landscaping, LLC, could not qualify to be an installer of in-ground swimming pools in the State of Michigan as it was not a licensed residential builder.

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61. That, Defendant Explore Industries USA, Inc., designation that Exigent Landscaping, LLC, was an authorized dealer and installer of Image Pools, was a false representation, as Exigent Landscaping, LLC, could not act in such a capacity in the State of Michigan.

62. That, Defendant Explore Industries USA, Inc., negligently made said representation, breaching a duty owed to the Plaintiffs.

63. That, as a result, the Boyds have suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendant Explore Industries USA, Inc., doing business as Imagine Pools, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

**LAW OFFICES OF JOHN F. HARRINGTON**

BY: /s/ John F. Harrington  
**JOHN F. HARRINGTON (P40443)**  
Attorney for Plaintiff  
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**Dated: November 9, 2023**

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

ALEX BOYD and REBECCA BOYD,  
Husband and Wife,

Case No. 23-003864-CZ  
Hon. James M. Biernat, Jr.

Plaintiffs,

v.

BRANDON HEITMANN, an individual,  
AMANDA PISARSKI, a/k/a AMANDA  
HEITMANN, an individual, KODY  
GRANDCHAMP, an individual, HENRY  
GIRARD BELL, a/k/a HANK BELL,  
an individual, CONSTRUCTION  
CONTRACTORS, LLC, a Michigan limited  
liability company, and EXPLORE INDUSTRIES  
USA, INC., a Tennessee corporation, d/b/a  
IMAGINE POOLS,

Defendants.

**LAW OFFICES OF JOHN F. HARRINGTON**

By: John F. Harrington (P40443)

*Attorney for Plaintiff*

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**KOTZ SANGSTER WYSOCKI P.C.**

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

*Attorneys for Brandon Heitmann  
and Amanda Pisarski*

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**DEFENDANT BRANDON HEITMANN'S**  
**ANSWER TO PLAINTIFFS' COMPLAINT**

NOW COMES, Defendant, BRANDON HEITMANN, by and through counsel, Kotz Sangster Wysocki, PC, and for his Answer to Plaintiffs' Complaint states as follows:

1. Neither Admit nor Deny.
2. Denied as stated. Defendant Heitmann does not conduct business as an individual.
3. Denied as stated. Defendant Pisarski does not conduct business as an individual.

4. Neither Admit nor Deny.
5. Neither Admit nor Deny.
6. Neither Admit nor Deny.
7. Neither Admit nor Deny.
8. Neither Admit nor Deny.
9. Neither Admit nor Deny.

**FACTUAL AVERMENTS**

10. Neither Admit nor Deny.
11. Admit.
12. Neither Admit nor Deny.
13. Neither Admit nor Deny.
14. Neither Admit nor Deny.
15. Denied.
16. Denied.
17. Denied as stated.
18. Neither Admit nor Deny.
19. Denied.

20. Denied.
21. Denied.
22. Denied.

23. Admit. By way of further response, since Plaintiffs' arbitration matter was stayed, Plaintiffs now attempt to convert their breach of contract claim into fraud proceedings in an effort to avoid creditors' remedies under the Bankruptcy Code.



**COUNT I**

- 24. Neither Admit nor Deny.
- 25. Denied.
- 26. Denied.
- 27. Denied.
- 28. Denied.
- 29. Denied.
- 30. Denied.
- 31. Denied.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT II**

- 32. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 33. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 34. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 35. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 36. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 37. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT III**

- 38. Neither Admit nor Deny.
- 39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT IV**

44. Neither Admit nor Deny.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT V**

50. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

51. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

52. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

53. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

54. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

55. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

56. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

57. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT VI**

58. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

59. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

60. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

61. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

62. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

63. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

Respectfully submitted,

**KOTZ SANGSTER WYSOCKI P.C.**

/s/Yousef M. Farraj

By: Tyler P. Phillips (P78280)

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Attorneys for Brandon Heitmann and  
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[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

Dated: February 22, 2024

**CERTIFICATE OF SERVICE**

Ashley D. Clark hereby certifies that on February 22, 2024, Defendant Brandon Heitmann's Answer to Plaintiffs' Complaint and this Certificate of Service were served in accordance with the Court's Electronic Filing Guidelines. Notice of Electronic Filing of these documents will be sent to all parties by operation of the Court's electronic filing system.

/s/Ashley D. Clark

Ashley D. Clark

KOTZ SANGSTER WYSOCKI P.C., ATTORNEYS AND COUNSELORS AT LAW

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

ALEX BOYD and REBECCA BOYD,  
Husband and Wife,

Case No. 23-003864-CZ  
Hon. James M. Biernat, Jr.

Plaintiffs,

v.

BRANDON HEITMANN, an individual,  
AMANDA PISARSKI, a/k/a AMANDA  
HEITMANN, an individual, KODY  
GRANDCHAMP, an individual, HENRY  
GIRARD BELL, a/k/a HANK BELL,  
an individual, CONSTRUCTION  
CONTRACTORS, LLC, a Michigan limited  
liability company, and EXPLORE INDUSTRIES  
USA, INC., a Tennessee corporation, d/b/a  
IMAGINE POOLS,

Defendants.

**LAW OFFICES OF JOHN F. HARRINGTON**

By: John F. Harrington (P40443)

*Attorney for Plaintiff*

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By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

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and Amanda Pisarski*

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**DEFENDANT BRANDON HEITMANN'S**  
**AFFIRMATIVE DEFENSES**

NOW COMES, Defendant, BRANDON HEITMANN, by and through counsel, Kotz Sangster Wysocki, PC, and for his Affirmative Defenses states as follows:

1. All or part of Plaintiffs' claims may be denied because Plaintiffs are the first breaching party.

2. All or part of Plaintiffs' claims may be denied because Plaintiffs fail to state a claim upon which relief may be granted.

3. All or part of Plaintiffs' claims may be denied for failure to plead fraud and fraudulent transfers with the requisite specificity.

4. All or part of Plaintiffs' claims may be denied for lack of standing.

5. All or part of Plaintiffs' claims may be denied because lack of personal liability on the part of Defendant Heitmann.

6. All or part of Plaintiffs' claims may be denied for failure to mitigate damages.

7. Defendant Heitmann reserves the right to amend these Affirmative Defenses as they become known throughout the course of discovery.

Respectfully submitted,

**KOTZ SANGSTER WYSOCKI P.C.**

/s/Yousef M. Farraj

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

Attorneys for Brandon Heitmann and  
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Dated: February 22, 2024

**CERTIFICATE OF SERVICE**

Ashley D. Clark hereby certifies that on February 22, 2024, Defendant Brandon Heitmann's Affirmative Defenses and this Certificate of Service were served in accordance with the Court's Electronic Filing Guidelines. Notice of Electronic Filing of these documents will be sent to all parties by operation of the Court's electronic filing system.

/s/Ashley D. Clark

Ashley D. Clark

KOTZ SANGSTER WYSOCKI P.C., ATTORNEYS AND COUNSELORS AT LAW